

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CRIMINAL NO. 1:05CR227

**UNITED STATES OF AMERICA)
)
)
VS.) ORDER
)
)
**LAMARJUAN NYSHAWN WHISNANT)
)****

THIS MATTER is before the Court on the Defendant's motion for release pending sentencing.

On October 7, 2005, the Defendant, who was ordered into federal custody pursuant to a writ of *habeas corpus ad prosequendum* from state custody, appeared at a detention hearing. However, he waived the hearing and it was continued. On October 21, 2005, the Defendant entered into a plea agreement with the Government and entered his plea of guilty at a Rule 11 hearing held on November 1, 2005. The United States Marshal's notation on the executed writ shows the Defendant has completed his state court term of imprisonment and is now a "Federal inmate." **See Return on**

Writ of Habeas Corpus ad prosequendum, filed December 16, 2005.

He now files this motion for release pending sentencing.

The Court finds that the motion is actually one requesting the re-convening of his previous detention hearing. As a result, it will be respectfully referred to the Magistrate Judge.

IT IS, THEREFORE, ORDERED that the Defendant's motion for release pending sentencing is hereby referred to the Magistrate Judge.

Signed: January 11, 2006



Lacy H. Thornburg
United States District Judge

